

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CV459-MU

BARBARA TRUESDELL and)
JOHN DILL,)
Plaintiffs,)
vs.) ORDER
UNITED STATES OF AMERICA,)
Defendant.)

This matter is before the court upon Defendant's Motion to Dismiss. This case arises from the same facts and circumstances and raises the same legal issues and defenses as the case of Suter v. United States, 3:04cv358, in which this court dismissed the action for lack of subject matter jurisdiction. The Fourth Circuit has recently affirmed this court's decision in Suter. Accordingly, pursuant to Fourth Circuit authority in Suter v. United States, __ F.3d __, 2006 WL 771458 (4th Cir. Mar. 28, 2006),

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss for lack of subject matter jurisdiction is hereby GRANTED.

Signed: April 20, 2006

Graham C. Driskell

Graham C. Mullen
United States District Judge

